

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD RODRIGUEZ-ISONA,	:	CIVIL NO. 1:08-CV-00403
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
GOVERNOR EDWARD G. RENDELL and	:	
JEFFREY A. BEARD, Secretary of	:	
Department of Corrections,	:	
	:	
Respondents	:	

REPORT AND RECOMMENDATION

On March 4, 2008, the petitioner commenced this action by filing a document entitled "Entry of Judgment by Way of Praeclipe." The petitioner also filed an application to proceed *in forma pauperis*. The petitioner indicates in his application to proceed *in forma pauperis* that he was just released from prison on March 4, 2008.

The petitioner is seeking a judgment against the respondents in the amount of \$50,000,000.00. He cites to the

Uniform Commercial Code and he appears to be claiming that the respondents defaulted on a security agreement.¹

Although the petitioner's filings are unclear, it is clear that this action is frivolous and malicious. Accordingly, it will be recommended that the action be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Moreover, this court does not have subject matter jurisdiction in this case. Thus, it will also be recommended that this action be dismissed pursuant to Fed.R.Civ.P. 12(h)(3) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.").

¹ "The abusive practice of prisoners filing baseless liens and/or UCC financing statements for the purpose of harassment and credit impairment of the alleged debtor (almost always a state or federal official involved with securing the prisoner's incarceration) is well documented." *Hudson v. Caruso*, No. 1:05-CV-32, 2007 WL 2363308 at *5 (W.D. Mich. Aug. 16, 2007) (citing cases).

Based on the foregoing, it is recommended that this action be dismissed for lack of subject-matter jurisdiction and because the action is frivolous and malicious.

/s/ J. Andrew Smyser

J. Andrew Smyser
Magistrate Judge

Dated: March 10, 2008.